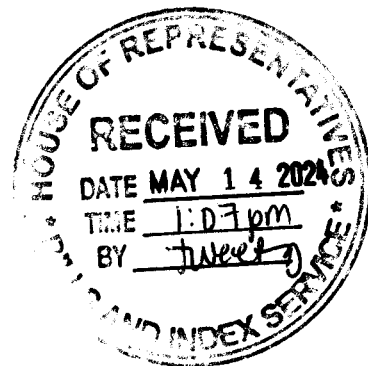




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10398



Introduced by Representative Crispin Diego "Ping" D. Remulla

AN ACT
TO IMPROVE THE QUALITY OF BEACHES AND COASTAL RECREATION
WATER

EXPLANATORY NOTE

The Philippines, as an archipelago, is surrounded by water. With this, the country has several beaches that are known to local and international tourists alike. These beaches have increased the country's tourism and have given employment opportunities to numerous Filipinos. However, the country's natural paradise faces a pressing challenge, specifically the accumulation of plastic waste and other pollutants. This threatens its ecological state and its physical beauty.

This measure seeks to improve and maintain the quality of beaches and coastal recreation waters in the country. This measure will not only protect our natural resources and protect its natural beauty but also sustain the source of income of those working in the industry. In addition, this measure is a crucial step towards sustainable development, where there will be a balance in economic growth and environmental preservation.

In view of the foregoing, the approval of this measure is earnestly sought.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a cursive 'D' and a small flourish.

CRISPIN DIEGO "PING" D. REMULLA



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AN ACT
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WATER

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the Beaches Environmental
2 Assessment and Coastal Health (BEACH) Act.

3 **SEC. 2. Purposes.** – The purpose of this Act is to require uniform criteria and
4 procedures for testing, monitoring, and notifying users of public coastal recreation water and
5 beaches:

6 (a) To protect public safety; and

7 (b) To improve environmental quality.

8 **SEC. 3. Definitions.** – For the purposes of this Act, the following terms shall mean:

9 (a) Coastal recreation water means water adjacent to public beaches and marine coastal
10 water (including bays, lagoon mouths, and coastal estuaries within the tidal zone)
11 used by the public for:

12 i. Swimming;

13 ii. Bathing;

1 iii. Surfing; or

2 iv. Other similar body contact purposes.

3 (b) Floatable materials means any foreign matter that may float or remain suspending

4 in water, including:

5 i. Plastic;

6 ii. Aluminum cans;

7 iii. Wood;

8 iv. Bottles;

9 v. Paper products; and

10 vi. Fishing gear.

11 **SEC. 4. Adoption of Coastal Recreational Water Quality Criteria. –**

12 (a) In General. – Not later than three (3) years and one hundred eighty (180) days after
13 the date of enactment of this Act, the Secretary of the Department of Environment
14 and Natural Resources (DENR) shall adopt water quality criteria for coastal
15 recreation water.

16 (b) Development of Criteria. – Water quality criteria described in paragraph (a) shall
17 be developed and promulgated, in accordance with existing environmental laws and
18 policies.

19 **SEC. 5. Water Quality Criteria Revision. –**

20 (a) Studies. – Not later than three (3) years after the date of enactment of this Act, and
21 after consultation with appropriate officials, including local health officials, and
22 other interested persons, the Secretary shall conduct studies to provide new
23 information for use in developing:

- i. A more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;
- ii. Appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;
- iii. Appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and
- iv. Guidance for the application of the criteria issues under subsection (b) to account for the diversity of geographic and aquatic conditions throughout the country.

(b) Revised Criteria. – not later than five (5) years after the date of enactment of this Act, based on the results of the studies conducted under paragraph (a), the Secretary, after consultation with appropriate officials, including local health officials, and other interested parties shall:

- i. Issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and
- ii. Not less than once every five (5) years thereafter, review and revise the water quality criteria.

SEC. 6. Coastal Beach Water Quality Monitoring.

(a) Monitoring

1 i. In general. – not later than one (1) year and one hundred eighty (180) days
2 after the date of enactment of this Act, the Secretary shall promulgate
3 regulations for the monitoring by the Department for:

- 4 1) Compliance with applicable water quality criteria; and
- 5 2) Maintenance of public safety.

6 ii. Contents of Requirements. – monitoring requirements under this section
7 shall specify, at a minimum –

8 1) Available monitoring methods to be used; and

9 2) The frequency and location of monitoring based on:

10 1. The periods of recreational use of coastal recreation water
11 and beaches;

12 2. The extent and degree of recreational use during the periods
13 described in clause (1);

14 3. The proximity of coastal recreation water to known or
15 identified point and nonpoint sources of pollution; and

16 4. The relationship between the use of public recreation water
17 and beaches to storms events.

18 3) Methods for:

19 1. Detecting levels of pathogens that are harmful to human
20 health;

21 2. Identifying short-term increases in pathogens that are
22 harmful to human health in coastal recreation water,
23 including the relationship of short-term increases in
24 pathogens to storm events; and

- 1 3. Conditions and procedures under which discrete areas of
2 coastal recreation water may be exempted by the Secretary
3 from the monitoring requirements under this subsection, if
4 the Secretary determines that an exemption will not:
- 5 a. Impair compliance with the applicable water quality
6 criteria for that water; and
7 b. Compromise public safety;

8 (b) Notification Requirements

- 9 i. In General. – Regulations promulgated under subsection (a) shall require
10 provinces to provide notification of a failure or the likelihood of a failure to
11 meet applicable water quality criteria for provincial coastal recreation water,
12 to:

- 13 1) Local governments;
14 2) The public; and
15 3) The Secretary

- 16 ii. Information included in Notification. – Notification under this subsection
17 shall require, at a minimum:

- 18 1) The prompt communication of the occurrence, nature, extent, and
19 location of, and substance, including pathogens, involved in a
20 failure or immediate likelihood of a failure to meet water quality
21 criteria, to a designated official of a local government having
22 jurisdiction over land adjoining the coastal recreation water for
23 which the failure or imminent failure to meet water quality criteria
24 is identified; and

1 2) The posting of signs, during the period in which water quality
2 criteria are not met, continues, that is sufficient to give notice to
3 the public:

4 1. Of failure to meet applicable water quality criteria for the
5 water; and

6 2. The potential risks associated with water contact activities in
7 the water.

8 (c) Review and Revision of Regulations. – Periodically, but not less than once every
9 five (5) years, the Secretary shall review and make any necessary revisions to
10 regulations promulgated under this section.

11 (d) Implementation. –

12 i. In General. – Not later than three (3) years and one hundred eighty (180)
13 days after the enactment date of this Act, each province shall implement a
14 monitoring and notification program that conforms to the regulations
15 promulgated under subsections (a) and (b).

16 ii. Revision of Program. – not later than two (2) years after the date of
17 publication of any revision by the Secretary under subsection (c), each
18 province shall revise the program established under paragraph (a) to
19 incorporate the revisions.

20 (e) Guidance: Delegation of Responsibility. –

21 i. In General – not later than one (1) year and one hundred eighty (180) days
22 after the date of enactment of this Act, the Secretary shall issue guidance
23 establishing:

24 1) Core performance measures for testing, monitoring, and
25 notification programs under this section; and

2) The delegation of testing, monitoring, and notification programs
under this section to the local government authorities.

(f) Delegation of Responsibility to Local Governments. – if a responsibility described
in the above paragraph is delegated by a province to a local government authority,
or is delegated to a local government authority before the date of enactment of this
section, resources, including grants made, shall be made available to the delegated
authority for the purpose of implementing the delegated program in a manner that
is consistent with the guidance issued by the Secretary.

(g) Floatable Materials Monitoring Technical Assistance. – not later than one (1) year
and one hundred eighty (180) days after the date of enactment of this Act, the
Secretary shall:

- i. Provide technical assistance for uniform assessment and monitoring
procedures for floatable material in coastal recreation water; and
- ii. Specify the conditions under which the presence of floatable material shall
constitute a threat to public health and safety.

(h) Occurrence Database. – the Secretary shall establish, maintain, and make available
to the public by electronic and other means –

- i. A national coastal recreation water pollution occurrence database using
reliable information, including the information reported under paragraph
(a); and
- ii. A listing of communities conforming to the regulations promulgated under
paragraphs (a) and (b).

SEC. 7. Report to Congress. – not later than four (4) years after the date of enactment
of this Act, and periodically thereafter, the Secretary shall submit to Congress a report that
contains:

1 (a) Recommendations concerning the need for additional water quality criteria and
2 other actions that are necessary to improve the quality of coastal recreation water;
3 and

4 (b) An evaluation of effort to implement this Act.

5 **SEC. 8. Separability Clause.** – If any portion of this Act is declared invalid or
6 unconstitutional, the portions or provisions which are not affected shall continue to be in full
7 force and effect.

8 **SEC. 9. Repealing Clause.** – All laws, decrees, executive orders, and rules and
9 regulations or parts thereof contrary to, or inconsistent with this Act are hereby repealed,
10 modified, or amended accordingly.

11 **SEC. 10. Effectivity.** - This Act shall take effect after fifteen (15) days following its
12 publication in the Official Gazette or in any major newspaper of general circulation in the
13 Philippines.

Approved,